

## REMARKS

Claims 1-3 are pending in the application. Claims 1-3 stand rejected. Applicant respectfully requests allowance of the claims, withdrawal of the final rejection, and consideration of the following remarks.

### **35 U.S.C. § 103 Rejection**

Claims 1-3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,016,476 to Maes et al. (hereinafter “Maes”). Applicant respectfully disagrees with the rejection based on the following discussion.

Claim 1 recites a wireless telephone to handle a transaction to purchase a product. Claim 1 further recites the wireless telephone comprising a wireless interface configured to transfer for the transaction a user speech sample and an account code. Maes does not disclose transferring for a transaction a user speech sample and an account code.

In particular, Maes discloses sending a speech sample from a personal digital assistant (PDA) in order to obtain a digital certificate. The digital certificate is then used to execute transactions. However, Maes does not disclose sending the speech sample in order to execute the transactions. In addition, the digital certificate does not include the speech sample.

Maes does disclose using biometric information to authenticate a user. However, the biometric authentication is performed locally by the PDA. In addition, the biometric information is performed separately from any transaction. The PDA in Maes does not transfer biometric information for a transaction.

Nowhere does Maes disclose, teach, or suggest transferring for a transaction a user speech sample and an account code. Claim 1 is therefore allowable over Maes.

Independent claims 2 and 3 contain limitations similar to those of claim 1 and are therefore allowable over the art of record for the same reasons as claim 1.

## **CONCLUSION**

Based upon the above remarks, applicant submits that claims 1-3 are allowable. Additional reasons in support of patentability exist, but such reasons are omitted in the interest of clarity and brevity. Applicant thus respectfully requests allowance of claims 1-3.

Applicant believes no fees are due with respect to this filing. However, should the Office determine additional fees are necessary, the Office is hereby authorized to charge Deposit Account No. 21-0765.

Respectfully submitted,

/stephen s roche/

### **SIGNATURE OF PRACTITIONER**

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